

Daniel J. Mulligan (Cal. State Bar No. 103129)
JENKINS MULLIGAN & GABRIEL LLP
10085 Carroll Canyon Road, Suite 210
San Diego, CA 92131
Telephone: (415) 982-8500
dan@jmglawoffices.com

Stephen Scotch-Marmo (Pro Hac Vice)
MORGAN, LEWIS & BOCKIUS LLP
399 Park Avenue, Floor 24
New York, NY 10022
Telephone: (212) 705-7000
stephen.scotch-marmo@morganlewis.com

Peter B. Fredman (Cal. State Bar No. 189097)
LAW OFFICE OF PETER FREDMAN PC
125 University Ave, Suite 102
Berkeley, CA 94710
Telephone: (510) 868-2626
peter@peterfredmanlaw.com

John B. Sullivan (Cal. State Bar No. 96742)
Erik Kemp (Cal. State Bar No. 246196)
SEVERSON & WERSON
A Professional Corporation
One Embarcadero Center, Suite 2600
San Francisco, CA 94111
Telephone: (415) 398-3344
ek@severson.com

Attorneys for Plaintiff MARIE GAUDIN,
for herself and persons similarly situated

Attorneys for Defendant
SAXON MORTGAGE SERVICES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARIE GAUDIN, individually, and on
behalf of others similarly situated,

Plaintiff,

v.

SAXON MORTGAGE SERVICES, INC. a
Texas corporation, and Does 1-100,

Defendants.

Case No. C 11-1663-JST

CLASS ACTION

STIPULATION AND ~~PROPOSED~~
ORDER TO SUSPEND ENTRY OF
FINAL JUDGMENT PENDING
COMPLIANCE WITH CLASS
ACTION FAIRNESS ACT NOTICE
REQUIREMENTS

Plaintiff Marie Gaudin (“Plaintiff”) and Defendant Saxon Mortgage Services, Inc.
 (“Defendant”) (collectively, the “parties”), hereby stipulate and request an order and revised
 entry of judgment as follows:

WHEREAS, on November 25, 2015, the Court issued Judgment Granting Final
 Approval to Class Action Settlement (etc.) in this action (the “Judgment”) (*see* Dkt. 153);

WHEREAS, the underlying settlement was governed by the Class Action Fairness Act,
 28 U.S.C. §§ 1332(d) *et seq.* (“CAFA”);

WHEREAS, CAFA required Defendant to provide notice of the settlement pursuant to
 government officials pursuant to 28 U.S.C. § 1715 (“CAFA Notice”);

1 **WHEREAS**, the Settlement Agreement and Release of Claims shifted the duty to
2 provide CAFA Notice to the Plaintiff (*see* Dkt. 129-1 at ¶ 45); and

3 **WHEREAS**, Plaintiff inadvertently failed to provide such CAFA Notice;

4 **WHEREAS**, an “order giving final approval of a proposed settlement may not be issued
5 earlier than 90 days after the later of the dates on which the appropriate Federal official and the
6 appropriate State official are served with the notice.” 28 U.S.C. § 1715(d).

7 **THEREFORE**, the parties stipulate and request that the Court order as follows:

8 1. The parties request that the Court order that the Judgment in this action is
9 withdrawn pending compliance with CAFA Notice requirements as set forth below.

10 2. Plaintiff will serve the requisite CAFA Notice on the appropriate Federal and/or
11 State officials by December 18, 2015.

12 3. If no objection or opposition to the settlement is received from such Federal
13 and/or State officials by March 17, 2016, then the Judgment will be deemed entered on that
14 date.

15 4. If such an objection or opposition to the settlement is received, then the Court
16 shall set a hearing and briefing schedule to address and resolve them.

17
18 **IT IS SO STIPULATED**

19 DATE: December 10, 2015

JENKINS MULLIGAN & GABRIEL LLP
LAW OFFICE OF PETER FREDMAN

21 By: /s/ Peter Fredman

22 _____
PETER FREDMAN
Attorneys for Plaintiff and the Class

23
24 DATE: December 10, 2015

MORGAN, LEWIS & BOCKIUS LLP

25 By: /s/ Stephen Scotch-Marmo

26 _____
STEPHEN SCOTCH-MARMO
Attorneys for Defendant,
27 SAXON MORTGAGE SERVICES, INC.

IT IS SO ORDERED:

1. The Judgment (Dkt. 153) in this action is withdrawn pending compliance with CAFA Notice requirements as set forth below.

2. Plaintiff will serve the requisite CAFA Notice on the appropriate Federal and/or State officials by December 18, 2015.

3. If no objection or opposition to the settlement is received from such Federal and/or State officials by March 17, 2016, then the Judgment will be deemed entered on that date. In that event, the Final Accounting Hearing described in paragraph 14 of the Judgment shall be continued from April 20, 2016 to August 10, 2016.

4. If such an objection or opposition to the settlement is received from the noticed officials by March 17, 2016, then the Court will set a hearing and briefing schedule thereon.

Date: December 11, 2015

